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Proposed Attorneys for David K. Gottlieb, Chapter 11 Trustee

**UNITED STATES BANKRUPTCY COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SAN FERNANDO VALLEY DIVISION**

In re:

SOLYMAN YASHOUAFAR,

Debtor.

Case No.: 1:16-bk-12255-GM

Chapter 11

**CHAPTER 11 TRUSTEE'S  
APPLICATION TO EMPLOY  
PACHULSKI STANG ZIEHL & JONES  
LLP AS GENERAL BANKRUPTCY  
COUNSEL EFFECTIVE SEPTEMBER 16,  
2016; DECLARATION OF JEREMY V.  
RICHARDS IN SUPPORT THEREOF**

David K. Gottlieb, the duly appointed chapter 11 trustee (the "Trustee") in the above-captioned bankruptcy case (the "Case") of Solyman Yashouafar, hereby files this application (the "Application") to employ Pachulski Stang Ziehl & Jones LLP ("PSZJ") as general bankruptcy counsel to the Trustee in this Case,<sup>1</sup> effective as of September 16, 2016. This Application is brought pursuant to section 327(a) of title 11 of the United States Code (the "Bankruptcy Code"), Federal Rule of Bankruptcy Procedure 2014, and Local Bankruptcy Rule 2014-1. In support of the Application, the Trustee respectfully represents as follows:

<sup>1</sup> Contemporaneously with the filing of this Application, the Trustee filed an application to retain PSZJ in Massoud Aaron Yashouafar's chapter 11 case [Case No. 16-12408]. The Trustee is seeking to have the cases jointly administered for procedural proposes.

I.

**BACKGROUND**

On August 3, 2016, petitioning creditors Fereydoun Dayani, Yona Samih, and N&S Investment, LLC c/o Sina Navidbakhsh (the “Petitioning Creditors”), filed an involuntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) against Debtor Solyman Yashouafar (“S. Yashouafar”), bearing case number 16-12555-GM.

On September 9, 2016, the Petitioning Creditors and S. Yashouafar entered into a *Stipulation for Entry of Order for Relief and Appointment of Chapter 11 Trustee* [Docket No. 79], which stipulation was granted by Order entered on September 12, 2016 [Docket No. 82].

On September 16, 2016, the United States Trustee (the “UST”) filed its *Notice of Appointment of Chapter 11 Trustee*, appointing David K. Gottlieb as Chapter 11 Trustee in S. Yashouafar’s chapter 11 case [Docket No. 91].

On September 16, 2016, the UST filed an *Application for Order Approving Appointment of Trustee* [Docket No. 93], which application was granted by Order entered on September 16, 2016 [Docket No. 94]. On September 19, 2016, the Court entered an *Order for Relief and Order to File Schedules, Statements and Lists(s)* [Docket No. 97].

On September 30, 2016, the Trustee filed a *Motion for Order Directing Joint Administration of Related Cases Pursuant to Federal Rule of Bankruptcy Procedure 1015(B)* [Docket No. 134].

On August 3, 2016, the Petitioning Creditors filed an involuntary petition for relief under chapter 11 of title 11 of the Bankruptcy Code against debtor Massoud Aron Yashouafar (“M. Yashouafar” and together with S. Yashouafar, the “Debtors”), bearing case number 16-12408.

On September 9, 2016, the Petitioning Creditors and M. Yashouafar entered into a *Stipulation for Entry of Order for Relief Under Chapter 11 and Appointment of Chapter 11 Trustee* [Docket No. 92], which stipulation was granted by Order entered on September 20, 2016 [Docket No. 94].

On September 16, 2016, the UST filed its *Notice of Appointment of Chapter 11 Trustee*, appointing David K. Gottlieb as Chapter 11 Trustee in M. Yashouafar’s chapter 11 case [Docket No. 104].

1 On September 16, 2016, the UST filed an *Application for Order Approving Appointment of*  
2 *Trustee* [Docket No. 106], which application was granted by Order entered on September 20, 2016  
3 [Docket No. 110]. On September 19, 2016, the Court entered an *Order for Relief and Order to File*  
4 *Schedules, Statements and Lists(s)* [Docket No. 109].

5 On September 30, 2016, the Trustee filed a *Motion for Order Directing Joint Administration*  
6 *of Related Cases Pursuant to Federal Rule of Bankruptcy Procedure 1015(B)* [Docket No. 148].

7 This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). The venue is proper pursuant to  
8 28 U.S.C. § § 1408 and 1409.

9 **II.**

10 **RELIEF REQUESTED**

11 The Trustee seeks Court approval to retain PSZJ, effective as of September 16, 2016, to  
12 provide the legal services to the Trustee that will be required to administer this Case. The Trustee  
13 desires to retain PSZJ because of its particular expertise in the areas of insolvency, business  
14 reorganization, and other debtor/creditor matters. PSZJ has served as general bankruptcy counsel to  
15 chapter 7 and 11 trustees in many cases and to a wide range of debtors in various industries. In  
16 addition, PSZJ has served as counsel to unsecured creditors' committees in numerous chapter 11  
17 cases. PSZJ also has extensive experience in representing individual creditors, special interest  
18 committees, asset purchasers and investors in both in and out of court restructurings. Copies of the  
19 resumes of PSZJ's attorneys who are expected to be principally responsible for the Case are attached  
20 to the Declaration of Jeremy V. Richards (the "Richards Declaration") as Exhibit A. PSZJ's depth of  
21 experience in bankruptcy makes it well qualified to represent the Trustee. More information about  
22 PSZJ is available at its website, www.pszjlaw.com. Therefore, the Trustee believes that PSZJ's  
23 retention is in the best interest of the estate.

24 The Trustee desires to retain PSZJ, at the expense of the Estate, to undertake such tasks as  
25 required by the Trustee, including, but not limited to, the following:

26 (a) Advising the Trustee concerning the rights and remedies of the estate in regard to the  
27 assets of the estate, and with respect to the secured, priority and unsecured claims of creditors;  
28

(b) Representing the Trustee in connection with financial and business matters, including the sale of any assets;

(c) Representing the Trustee in connection with investigation of potential causes of action, and the litigation thereof if warranted and directed by the Trustee;

(d) Investigating and prosecuting preference, fraudulent transfer and other actions, if any, arising under the Trustee's avoiding powers;

(e) Representing the Trustee in any proceeding or hearing in the Bankruptcy Court, and in any action in other courts where the rights of the estate may be litigated or affected;

(f) Conducting examinations of witnesses, claimants, or adverse parties and preparing and assisting in the preparation of motions, applications, answers, orders, memoranda, reports and papers, etc.;

(g) Advising the Trustee concerning the requirements of the Bankruptcy Code and Rules and the requirements of the Office of the United States Trustee relating to the administration of the estate; and

(h) Rendering such other advice and services as the Trustee may require in connection with this Case.

### III.

#### **DISINTERESTEDNESS**

To the best of the Trustee's knowledge and based upon the Richards Declaration attached hereto, neither PSZJ nor any of its partners, of counsel, or associates has any connection with the Debtors, any creditor of the estate, any party in interest, their respective attorneys or accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, except to the extent set forth in the Richards Declaration.

In particular, the Richards Declaration discloses the following:

(a) PSZJ has in the past represented the Trustee in his capacity as chapter 7 and 11 trustees in other cases wholly unrelated to this matter;

(b) PSZJ represents many committees, whose members may be creditors in the Debtors' chapter 11 case; however, PSZJ is not representing any of those entities in the Case and will not

1 represent any members of these committees in any claims that they may have collectively or  
2 individually against the Debtors;

3 (c) PSZJ may retain various professionals during the pendency of this Case, and the  
4 Trustee may retain other professionals in the future. PSZJ has previously worked with and will  
5 continue to work with certain of these professionals on various representations, at times representing  
6 the same parties and at other times representing parties with similar interests or parties with adverse  
7 interests; and

8 (d) PSZJ and certain of its shareholders, counsel and associates may have in the past  
9 represented, and may currently represent and will likely in the future represent creditors of the  
10 Debtors in connection with matters unrelated to the Debtors and this Case. At this time, PSZJ is not  
11 aware of any current representations in unrelated cases of parties who are creditors of the Debtors or  
12 other parties on the conflicts list attached as Exhibit B to the Richards Declaration.

13 To the best of the Trustee's knowledge and based upon the Richards Declaration, neither  
14 PSZJ nor any of its partners, of counsel, or associates is a creditor, equity security holder, or an  
15 "insider" of the Debtors as that term is defined in section 101(31) of the Bankruptcy Code.

16 To the best of the Trustee's knowledge and based upon the Richards Declaration, neither  
17 PSZJ nor any of its partners, of counsel, or associates is or was, within two years before the date of  
18 the filing of the petition, a director, officer, or employee of the Debtors.

19 To the best of the Trustee's knowledge and based upon the Richards Declaration, neither  
20 PSZJ nor any of its partners, of counsel, or associates has any interest materially adverse to the  
21 interest of the estate or of any class of creditors or equity security holders, by reason of any direct or  
22 indirect relationship to, connection with, or interest in the Debtors for any other reason. Accordingly,  
23 PSZJ and its partners, of counsel, and associates are "disinterested persons" as that term is defined  
24 and used in sections 101(14) and 327 of the Bankruptcy Code.

25 **IV.**

26 **COMPENSATION**

27 Subject to the provisions of the Bankruptcy Code, the Bankruptcy Rules and the Local  
28 Bankruptcy Rules and this Court's rules, the Trustee proposes to pay PSZJ its customary hourly rates

1 in effect from time to time and to reimburse the Firm according to its customary reimbursement  
2 policies. The attorneys currently expected to be principally responsible for the Case, and their  
3 respective hourly rates effective as of January 1, 2016, are as follows: Jeremy V. Richards (\$995);  
4 John W. Lucas (\$675). The hourly rate for Beth Dassa, the paralegal assigned to the Case, is \$325.  
5 The hourly rates of all of the Firm's attorneys and paraprofessionals are attached to the Richards  
6 Declaration as Exhibit C.

7 PSZJ proposes that the fees and expenses incurred will be charged to the estates of Solyman  
8 Yashouafar and Massoud Aaron Yashouafar on a joint and several basis. The Trustee and PSZJ  
9 believe that this is warranted because substantially all of the assets of both debtors are co-owned  
10 either directly or indirectly and they have a common core group of creditors relating to the same  
11 universe of assets. However, in the event the Trustee or PSZJ undertakes services that relate solely to  
12 either Solyman Yashouafar or Massoud Aaron Yashouafar, they will attribute such fees and  
13 expenses arising from those services to the applicable debtors' estate. Regardless, categorized time  
14 records will be maintained for all services.

15 The Firm has not received any retainer in contemplation of its proposed employment.  
16 However, it is contemplated that the Firm will seek interim compensation during the Case as  
17 permitted by sections 330 and 331 of the Bankruptcy Code and Bankruptcy Rule 2016. The Firm  
18 understands that its compensation in the Case is subject to the prior approval of this Court. No  
19 compensation will be paid except upon application to and approval by this Court after notice and a  
20 hearing in accordance with sections 330 and 331 of the Bankruptcy Code, Bankruptcy Rule 2016,  
21 and Local Bankruptcy Rule 2016-1.

22 Pursuant to Local Bankruptcy Rule 2014-1(b)(4), a hearing is not required in connection with  
23 the Application unless requested by the United States Trustee, a party in interest, or otherwise  
24 ordered by the Court. Pursuant to Local Bankruptcy Rule 2014-1(b)(3), any response to the  
25 Application and request for hearing must be in the form prescribed by Local Bankruptcy Rule 9013-  
26 1(f) and must be filed with the Court and served upon the Trustee, its proposed counsel, and the  
27 United States Trustee no later than fourteen (14) days from the date of service of notice of the filing  
28 of the Application.

1 Notice of filing of this Application was provided to the office of the United States Trustee  
2 and all parties who filed and served a request for special notice as of the date of service of the  
3 Notice.

4 **WHEREFORE**, the Trustee requests that this Court approve the employment of Pachulski  
5 Stang Ziehl & Jones LLP as general bankruptcy counsel, as of September 16, 2016, to render  
6 services as described above, with compensation to be paid by the estate as an administrative expense  
7 in such amounts as this Court may hereafter determine and allow.

8 Dated: October 10, 2016

Chapter 11 Trustee

9 By: 

10 David K. Gottlieb

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PACHULSKI STANG ZIEHL & JONES LLP  
ATTORNEYS AT LAW  
LOS ANGELES, CALIFORNIA

**PROOF OF SERVICE OF DOCUMENT**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
**10100 Santa Monica Boulevard, 13<sup>th</sup> Floor, Los Angeles, California 90067**

A true and correct copy of the foregoing document entitled (*specify*): **CHAPTER 11 TRUSTEE'S APPLICATION TO EMPLOY PACHULSKI STANG ZIEHL & JONES LLP AS GENERAL BANKRUPTCY COUNSEL EFFECTIVE SEPTEMBER 16, 2016; DECLARATION OF JEREMY V. RICHARDS IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **October 11, 2016**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) **October 11, 2016**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Solyman Yashouafar  
 4633 White Oak Place  
 Encino, CA 91316

☒ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*):** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **October 11, 2016**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

**VIA PERSONAL DELIVERY**

The Honorable Geraldine Mund  
 United States Bankruptcy Court  
 21041 Burbank Blvd., Suite 312, Courtroom 303,  
 Woodland Hills, CA 91367

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 11, 2016  
*Date*

MYRA KULICK  
*Printed Name*

/s/ Myra Kulick  
*Signature*



**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

- Larry G Ball lball@hallestill.com, gjohnson@hallestill.com
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- Howard J Weg hweg@robinskaplan.com

**2. SERVED BY UNITED STATES MAIL:**

**See attached Label Matrix**

0973-1

Case 1:16-bk-12255-GM

Central District of California  
San Fernando Valley  
Tue Oct 11 11:51:39 PDT 2016

Franchise Tax Board  
Bankruptcy Section MS: A-340  
P. O. Box 2952  
Sacramento, CA 95812-2952

Los Angeles City Clerk  
P.O. Box 53200  
Los Angeles, CA 90053-0200

San Fernando Valley Division  
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Union Bank/First Bankcard (FNB Omaha U.B.)  
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Omaha, NE 68103-2557

United Mileage Plus (Chase Card Serv  
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Palatine, IL 60094-4014

United States Trustee (SV)  
915 Wilshire Blvd, Suite 1850  
Los Angeles, CA 90017-3560

Vivopools  
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Monrovia, CA 91016-3413

World Real Estate Group  
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Beverly Hills, CA 90209-1925

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Simi Valley, CA 93063-1440

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Encino, CA 91436-2610

Solyman Yashouafar  
4633 White Oak Place  
Encino, CA 91316-4336

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

US Bank  
PO Box 790408  
Saint Louis, MO 63179-0408

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Courtesy NEF

(u)PY Note Investors, LLC

(u)Van Nuys Plywood, LLC

(u)Danny Pakravan

(u)Robert M. Heller, Esq.

(u)Solyman Yashouafar  
Encino, CA

(d)Yona Samih  
11766 Wilshire Blvd Suite 260  
Los Angeles, CA 90025-6573

(u)the Registered Holders of CD 2006-CD3 U.S.

|                     |    |
|---------------------|----|
| End of Label Matrix |    |
| Mailable recipients | 87 |
| Bypassed recipients | 8  |
| Total               | 95 |